

**SWALE BOROUGH COUNCIL  
DRAFT COMMISSIONING & PROCUREMENT POLICY**

## **INTRODUCTION**

### **Background**

1. Swale Borough Council is continuously exploring the best way to deliver its responsibilities and to procure works, goods and services for its community, to meet the funding challenges it has and where practicable to meet the aspirations of the National Procurement Strategy for Local Government. The Council will also have regard for the National Procurement Policy Statement which states that contracting authorities should consider the following national priority outcomes alongside any additional local priorities in their procurement activities:
  - creating new businesses, new jobs and new skills;
  - tackling climate change and reducing waste; and,
  - improving supplier diversity, innovation and resilience.
  
2. The Council has a track record of improving its procurement approach and processes. These include:
  - utilising specialist procurement support in procuring major long-term contracts, for example, on leisure, grounds maintenance and waste;
  - utilising a category spend approach across the Council to identify further opportunities for efficiency savings;
  - working collaboratively with other authorities to procure works goods and services where beneficial;
  - engaging with other Procurement practitioners in the County to deliver best practice; and,
  - engaging with local businesses to increase the number of Small and Medium Enterprises (SMEs) bidding for works.
  
3. This Policy aims to set a clear framework for commissioning and procurement which reflects the Council's Corporate Plan 2020 – 2023 and its priorities. The new policy puts further focus on the commissioning stages and stands alongside Contract Standing Orders contained within the Council's Constitution.

### **Working definitions**

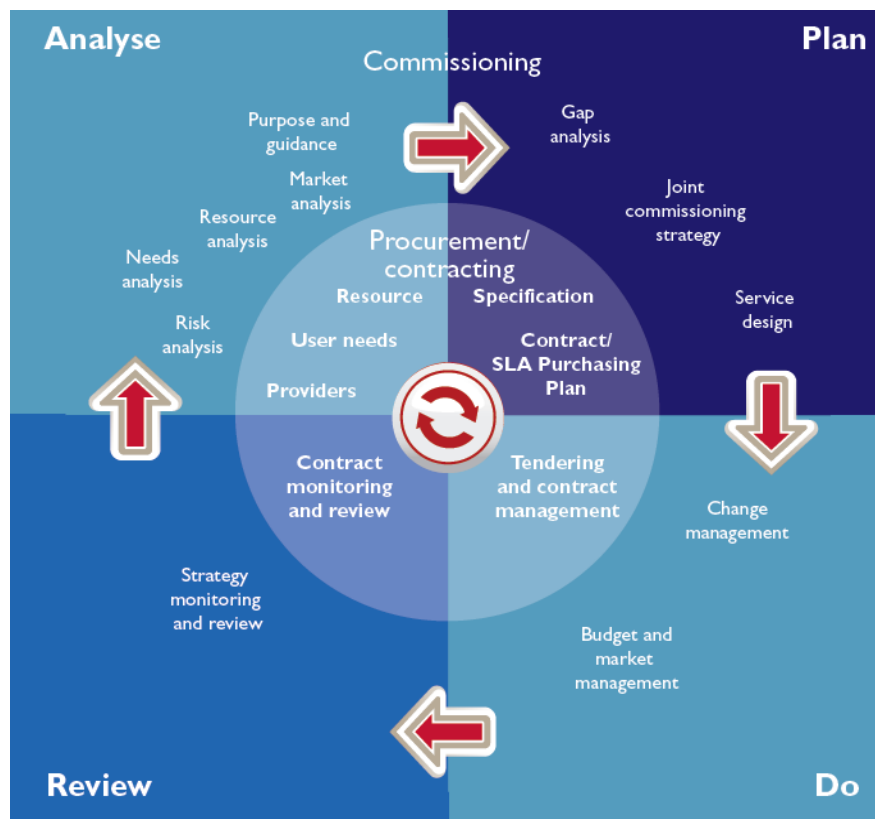
4. **Commissioning** is the process that authorities and other public sector agencies carry out to decide how to spend their money to get the most appropriate services and secure the best outcomes for the local community. Commissioning is a decision-making process, and the outcome of those decisions may result in undertaking an external procurement process or providing in-house or alternative delivery models. As applicable, it should be informed by consultation (which will comply with the relevant policy / strategy) with service users and research with suppliers and the market more generally

about what is both possible, and appropriate to provide. Commissioning decisions therefore balance the needs and aspirations of service users with the opportunities of the market and the budgets that are available.

5. **Procurement** is the way the Council obtains works, goods and services from external sources. This ranges for example from everyday supplies of office stationery to whole service area provision and major construction projects. The way in which procurement takes place is subject to statutory provisions and case law, as well as our own Contract Standing Orders, that form part of the Council's Constitution.
6. **Soft Market testing** is an exercise designed to test commercial markets' capabilities of meeting a set of requirements. The outcome of market testing may result in the service being commissioned from an internal or an external service provider. The Council actively encourages market testing and market engagement.
7. **Outsourcing** is the award of a contract to an external service provider without any in-house bid being involved.
8. **Partnerships** have many variations. They include the provision of shared services; for example, through Mid Kent Services, which includes Swale, Maidstone and Tunbridge Wells Borough Councils. They may provide an opportunity to develop an approach to service delivery that moves away from a contractual relationship to an agreement based potentially on shared objectives, shared risk, mutual learning, joint investment and sharing of reward.
9. In delivering a modern approach to good commissioning and procurement practice the essentials include:
  - ensuring that all procurements over the value of £5,000 or more are added to the Commissioning Forward Plan;
  - starting the process early, allowing sufficient time for a thorough assessment of the need and options available prior to tendering. Councillor involvement at this stage is important; and,
  - adopting a proportionate approach built around recognition of the commissioning and procurement cycle and the four stages:
    - **Analyse** - 'Analyse' is the first stage of the Commissioning Cycle. It involves reviewing the current service by engaging with employees, managers, Councillors and relevant partners to gain a greater understanding of the service and reviewing the needs of service users. It will also involve looking at national strategy / policy, comparable situations nationally, and any new services that may be available in the market.
    - **Plan** - Based on the outcome of the 'Analyse' stage, the 'Plan' stage will identify whether there are any duplications or gaps in service provision. It will identify which resources are available, and which are required to deliver identified needs. Decisions can

then be taken on the allocation of resources in line with priorities and the move towards the design of an appropriate service. Certain contracts will require robust project management planning.

- **Do** - The 'Do' stage involves ensuring that services are delivered efficiently, effectively and as planned. For in-house services, it is still important that project plans or procedures/delivery guidelines are created. If external involvement will be necessary, a procurement process or a 'transparent competitive' process will be carried out and a suitable provider will be secured.
- **Review** - The 'Review' stage involves monitoring the service and its impact and analysing whether the service is achieving the intended outcome. This involves analysing data on finance, activity and outcomes, and consulting with service users. Performance management for in-house services or contract management for external suppliers is key. An evaluation will then be completed.



## CORE PRINCIPLES

### Ethical behaviour

10. The highest standards of professional behaviour are expected from all Councillors and officers in their dealings with partners and suppliers. Officers will comply fully with the requirements of the [Bribery Act 2010](#) and the Council

expects our suppliers to comply also. We will act with integrity and, openness in accordance with the Public Contracts Regulations 2015 when we undertake procurement, and we will embrace the requirements for transparency. Any conflicts of interest in the procurement process will be documented and managed in line with our constitution. All decisions will be communicated clearly.

11. All officers involved in the commissioning and procurement process will act fairly with our suppliers in all matters, including ensuring prompt payment in accordance with agreed terms. Should disputes arise we will seek to resolve them promptly. There will be no favouritism or bias shown towards one supplier over another. Our actions will, therefore, be underpinned by our values:
  - **Fairness** - being objective to balance the needs of all those in our community
  - **Integrity** - being open, honest and taking responsibility
  - **Respect** - embracing and valuing the diversity of others
  - **Service** - delivering high quality, cost effective public service
  - **Trust** - delivering on our promises to each other, customers and our partners.
  
12. Swale Borough Council expects its suppliers to hold the following principles:
  - Safe working conditions
  - Promotion of good health
  - Employment is freely chosen
  - Non-excessive working hours (in line with the Working Time Directive)
  - Training is provided
  - Non discrimination
  - Diversity, equality and good workforce practices are encouraged
  - Elimination of child labour
  - Elimination of inhumane treatment.

### **Effective practice**

13. The Council will fulfil its statutory duties meeting the requirements of the Public Contracts Regulations and taking account of case law that emerges. We will also ensure that we follow our own Contract Standing Orders, Constitution, internal audit and other best practice requirements.
  
14. No one individual shall be empowered to authorise all stages of the tender process. There should be a minimum of three tender evaluators, tender awards will be approved either by the relevant Head of Service (<£100,000) or by the

Cabinet (£100,000+) and there are other controls in place such as invoice approval limits.

15. As part of the commissioning and procurement planning process, the length and type of supplier relationship will be decided that is appropriate to what is being purchased having undertaken market analysis where appropriate. Supplier relationships will incorporate the principles of continuous improvement and seek to obtain targeted improvements in delivery, quality and price.

## **Decision Making**

16. Examples of when Commissioning and Procurement processes may be taken include:
  - as part of the Council's annual service planning and budgeting process;
  - prior to the expiry of an existing contract;
  - following a fundamental service review as a matter of urgency if a service / contract is failing; and,
  - when a new priority or project emerges.
17. Decisions on service delivery must be based on clear and justifiable evidence. They must also be transparent and have an audit trail which can be scrutinised.
18. The lowest price will not be the sole criteria for establishing value but will be an important factor to secure cashable efficiency savings for the Council. Criteria will be established prior to tender exercises to enable a balanced assessment to be made which considers quality, deliverability and fitness for purpose as appropriate. Such criteria will be shared with potential suppliers and will usually be the Most Economically Competitive Tender (MEAT).

## **The role of Councillors in Commissioning and Procurement**

19. Councillors are a key part of any commissioning process as detailed in the Local Government Association's 2019 publication 'A Councillor's guide to procurement'. The Cabinet adopts the corporate commissioning and procurement policy to make sure it aligns with the corporate priorities.
20. Councillors should be involved in a number of the stages of the commissioning process from working with officers at the early stages of service delivery decisions, to assisting with setting the specifications and devising 'quality' evaluation questions. Members may not take part in evaluation of bids. The Cabinet is then also responsible at the contract approval point in accordance with CSOs, to ensure that the procurement has delivered the outcomes intended at the start.
21. The role of Scrutiny Committee also provides an additional opportunity for decisions to be challenged.

22. Following award of contract, Lead officers / Heads of Service should provide Councillors with regular contract monitoring information to enable them to review performance of strategic suppliers and take prompt action as appropriate.

### **Risk Management**

23. The Council will make sure that any risks to the authority or the community it serves are properly recognised in all its commissioning and procurement activity. It will identify risks, evaluate their potential consequences, and effectively manage those risks accordingly at every stage of the process. Risk logs will be created for all procurements over £100,000 over the life of the contract including any extension period/s. However, there may be low value procurements that are high risk that may also require risk logs.
24. The standard risk management process e.g. corporate and operational risk registers should assess the risks of contracts when they have been commissioned and throughout their lifetime. This is a lead officer function and overseen by Heads of Service.

### **Supporting Local Businesses and Small and Medium Enterprises**

25. We will aim to work with local businesses and community organisations, as well as micro, small and medium enterprises (SMEs) more generally, as far as the legal framework allows.
26. As part of its encouragement of partnerships, the Council will continue to support the development of capacity within the Voluntary and Community Sector (VCS) through providing guidance and adhering to the principles of the Kent Partners' Compact agreement.
27. From 1 January 2021, councils may reserve contracts below the relevant UK thresholds under the Regulations, to the UK or Kent County area and by SME / VCS under Procurement Policy Note (PPN) 11/20.
28. Where possible, the Council will package procurement works in a way that enables small local business to demonstrate their competitive advantage.
29. The Council will ensure that procurement processes are appropriate to the scale and risk involved so that they are not unduly onerous especially for local and small suppliers.

### **The Public Services (Social Value) Act 2012**

30. The Public Services (Social Value) Act 2012 places a requirement on commissioners to consider the economic, environmental, and social benefits of their approaches to procurement before the process starts. They also must consider whether they should consult on these issues.
31. When considering how a procurement process might improve the social, economic, and environmental well-being of a relevant area the Council will only

consider those matters that are relevant and proportionate to the proposed procurement and will take those matters into account.

32. As a minimum, the Council will consider Social Value in all tenders over £100,000, however, it should also be considered for any relevant contracts below this threshold.
33. Social value will include any demonstrable contribution that each bidder intends to make towards the elements set out in Table 1 below. Additional elements specific to individual procurement exercises may be identified through the pre-procurement 'market testing' commissioning phase of the process.

Table 1: Examples of Social Value

<b>Economic</b>	<b>Environmental</b>	<b>Social</b>
Numbers of local jobs created and sustained	Contributing to climate change mitigation targets	Increasing volunteering opportunities
Number of apprentice positions	Championing and using environmentally friendly goods and services	Enabling community development and engagement
Number of work placement schemes for school age residents	Reducing carbon footprint and food miles	Encouraging social integration and community cohesion (social capital)
Number of people taken out of 'out of work' benefits	Protecting biodiversity	Enhancing and celebrating local culture and heritage
Number of training opportunities	Waste minimisation, reuse and recycling	Contributing to health improvement programme and addressing health
Ensuring fair working conditions and payment	Reduced pollution	
Ensuring ethical supply (e.g. Fair Trade)	Water use minimisation and energy efficiency	

34. Officers should consider adding social value factors into specifications and the assessment of social value shall also be included as a separately identifiable and scored component of the 'quality' element. This shall comprise 20% of the quality element. Therefore, if the cost-quality balance is 60%:40%, the social value component of the whole assessment exercise will be 8%.
35. Assessment of Social Value will be undertaken in the same way as the 'quality' element of all tenders – with tenderers setting out their proposals against our broadly defined preferred 'social value' aspirations and these being scored through the assessment process.

## **Sustainable Procurement**

36. Swale Borough Council declared a climate and ecological emergency on 26 June 2019 and has adopted a Climate and Ecological Emergency Action Plan. Best endeavours should be made to applying its principles to procurement policies and processes covering goods and works as well as services. However, we recognise this may not be possible in all contracts as there may be a need to balance the cost of these with the cost of other priorities.
37. The Action Plan identifies seven focus areas:
- Council operations - The majority of the Council's carbon footprint comes from procured services. As contracts come up for renewal and further technology becomes more mainstream, there is an opportunity to secure services that have a lower carbon footprint. For example, the Council have replaced its fleet vehicles with electric vehicles. The Council also aims to eliminate single-use plastics from Council operations wherever possible.
  - Buildings and energy efficiency – The Council aims to improve energy efficiency of the homes in Swale and has contracted a fuel and water poverty outreach service to help vulnerable residents reduce utility bills and energy consumption.
  - Transport and air quality – The Council are seeking to make sustainable transport more attractive to improve air quality and reduce carbon emissions. It is committed to installing more EV charging points across the borough.
  - Resource consumption and waste – The Council aims to reduce the amount of waste and to maximise the proportion that is recycled or composted.
  - Ecology and biodiversity - Ecology, biodiversity and green space are vital to mitigating climate change. The Council aims to increase tree planting on Council land and minimise contractors' use of fertilizers, pesticides and weed killers.
  - Energy generation and storage - Renewable energy is a key component of how Swale will achieve zero net carbon emissions. Our utility supply contract now supplies green electricity and green gas.
  - Resilience, adaption and offsetting – The Council aims to ensure that the borough is robustly prepared for a changing climate and that robust adaptation measures are implemented to ensure resilience for all.
38. It is recognised that procurement has a vital role in furthering sustainable development, through our procurement of goods, services and works. Therefore, all procurement decisions should consider and where possible embed the climate and ecological emergency. The Council will strive to achieve the following:

People, education and awareness



- Educate, train and encourage staff to review their consumption of goods and services, reduce usage and adopt usage of more environmentally friendly products.
- Communicate our approach to sustainable procurement to all staff, suppliers and stakeholders.

#### Procurement strategy, policy and process

- Promote and embed best practice for sustainable procurement.
- Where appropriate, work in partnership with other public bodies and councils to maximise sustainable procurement gains through collaboration and information sharing.

#### Environmental products

- Consider the costs and benefits of environmentally-friendly goods and services including minimising 'procurement miles' to help reduce the Council's carbon footprint.
- Where such exact specification is not possible, enable suppliers to submit offers for environmentally friendly alternatives.
- Continue to improve the levels of recycling, reduced usage, bulk delivery and better packaging.

#### Engaging suppliers

- Communicate our sustainability objectives to our contractors and suppliers.
- Encourage and persuade our contractors and suppliers to adopt environmentally friendly processes and supply environmentally friendly goods and services as part of the Climate and Ecological Emergency agenda.
- Use sustainability criteria, part of the Social Value supplier evaluation process, in the award of contracts.

#### Measurements and results

- Comply with all legislation relevant to sustainability.
- Officers will be required to regularly monitor sustainability outcomes throughout the delivery of the contract which will be included within the contract management guidance.

### **Equalities and Diversity**

39. The Council's commitment to equal opportunities as regards service users and potential service users, contractor staffing and relationships with our own staff, will be built into procurement considerations.
40. We will seek to reflect the diversity, profile and nature of our community as part of our approach to commissioning.
41. We will have regard to appropriate workforce strategies in the contractual process.
42. We will build equality into how we commission, procure and deliver services in accordance with the Council's Equalities Scheme. We will include a proportionate assessment of tenderers' approaches to equalities and diversity as part of our evaluation criteria as appropriate.

### **Staffing-related issues**

43. If an in-house service is being outsourced, employees affected by the procurement process will be consulted and those who may transfer as a consequence of a procurement decision will be protected under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). TUPE legislation protects employee rights when the business or undertaking for which they work transfers to a new employer. The Council will ensure that legislation is observed in all applicable contract opportunities let by the Council where staff may be transferred from an incumbent contractor to a new supplier.
44. The Council is committed to ensuring that contractors are good employers and will look to ensure that contractors (and their subcontractors) utilise local labour wherever possible, particularly for apprenticeship schemes and similar.
45. In July 2019, the Council made a commitment to paying the [Real Living Wage](#) for its directly employed staff and a commitment to review its application to the Council's contracts. For contracts, this applies to those contracted staff who work two or more hours a week, for eight or more consecutive weeks a year. The Real Living Wage does not apply to contractors that supply the Council with products e.g. stationery suppliers. Best endeavours should be made to paying the Real Living Wage where applicable in all contracts as they come up for renewal, but we recognise this may not be possible in all contracts, particularly contracts shared with other authorities.

### **Category management**

46. Where multiple departments purchase similar products or services, a category management approach should be considered. Nominated lead officers for individual categories of cumulative expenditure of £100,000 or more, over a four-year period are responsible for reviewing opportunities to make further improvement in value for money, in conjunction with the Head of Service with responsibility for commissioning. Current categories include:

<b>Category</b>	<b>Current Responsible Officer</b>
Fleet Vehicles	Commissioning Manager
Stationery	Head of Property
ICT equipment and software	IT Business Manager
Agency Staff	HR Manager
Utilities	Head of Property
Legal Fees	Head of Legal Partnership
Advertising, printing and graphics	Communications Manager
Recruitment and training	HR Manager
Building maintenance	Head of Property

New categories will be periodically added through the analysis of spend undertaken by the commissioning team.

### **Appraisal of alternative service delivery options**

47. When considering commissioning services, a range of delivery options should be considered. Each service should be assessed on its merits, considering all the pros and cons, having regard to benchmarking and the cost of the procurement process balanced against the risks and cost-benefit of the options for service delivery.
48. When considering commissioning and procurement the options include:
  - consider whether the service is still required or whether it should be de-commissioned
  - collaborate with partners
  - provide services in-house
  - outsource those services; or
  - Re-commission to revised specification.
49. Council services will be regularly reviewed to ensure they are being delivered in the most cost-effective manner.

### **Types of contract**

50. We will use the most appropriate contracting arrangement available for any given circumstance. For some contracts, there will be a straightforward contractual relationship, whereby we place an order and make payment once it is delivered. However, for other goods and services, particularly those that are delivered over a long period of time, there is much less certainty for both parties, and it may therefore be appropriate to enter into longer contracts whereby the relationship between the client and the contractor is a more open and transparent one, sharing both risks and returns. The Council will continually review its standard contract terms and conditions and will be used in the majority of cases. Any deviations will be agreed by the relevant officers stated in the Contracted Standing Orders.

51. We will ensure that contracts build in efficiency improvement expectations. Where risks are shared and where there are opportunities for 'profit sharing' arrangements, open book accounting will be considered.
52. For contracts with a duration of 5+ years, the Council should consider including an inflationary mechanism. Currently, the Council's preferred method is the Consumer Price Index (CPI). For more specialist and complex contracts, a basket of indices may be considered.

### **Minimising the transactions cost of procurement**

53. We will aim to minimise the 'transactional' costs of conducting procurement activities. There are two key methods for doing this. One way is to use Framework agreements wherever appropriate to expedite the procurement process. Framework agreements are a form of procurement used to create an "umbrella" agreement with suppliers. They set out the terms and conditions under which works, goods, or services can be purchased throughout the period of the agreement, including price, quality, quantities, and timescales. Frameworks are beneficial as they can save the need to issue repeated tenders for the same or similar requirements. There are many Frameworks available to Local Authorities that are managed by other buying authorities or by specialist organisations such as Yorkshire Purchasing Organisation (YPO), Eastern Shires Purchasing Organisation (ESPO) or the Crown Commercial Service. The use of Frameworks can lead to economies of scale, reduced administrative burden and consequent savings. However, this should be balanced with the use of local suppliers who are not normally listed on national Frameworks.
54. The second way of minimising the transaction cost of procurement would be to undertake joint procurement processes with other authorities to share tendering costs.

### **Tendering**

55. The procurement process will follow the Council's statutory duties meeting the Public Contracts Regulations and taking account of case law that emerges. We will also ensure that we follow our own Contract Standing Orders, Constitution and internal audit and other best practice requirements.
56. The tendering process will be monitored independently via our corporate Commissioning team and relevant Head of Service. Any complaints or queries regarding a tendering process will also be dealt with independently via Internal Audit in the first instance.

### **Evaluation techniques**

57. **The Standard Differential Model (SDM):** based on price and quality. SDM awards the lowest price/cost (excluding abnormally low bids) maximum points, and the other tenderers scores are reduced in proportion with their price. (Lowest tender price / by tender price x price weighting e.g. 60) For example:

Financial scoring:

<b>Tender Company</b>	<b>Price Submitted £</b>	<b>Points Awarded</b>
A	50,000	60.00
B	55,000	54.54
C	57,000	52.63
D	67,000	44.78

58. The quality/non-price score is then added to the price score and the contract is awarded to the tender/s with the highest points. This is known as the Most Economically Advantageous Tender (MEAT).
59. SDM is the most widely used evaluation method but has a substantial emphasis on price, if there is more than a 40% weighting on price, it is likely that the lowest price will win.

**Price / Quality Evaluation**

60. The Council will make decisions about the purchasing or delivery of services on the basis of value for money; that is to say the best balance of price and quality, and **not** simply on the basis of the lowest cost.
61. The Council will adopt an assumed default of 60% cost and 40% quality for the purposes of assessing both formal tenders and Expressions of Interest.
62. Deviations from this default will be permitted, though these will require justification and approval in advance by the Director or Head of Service for the relevant area and the Commissioning Manager. Justifications will be determined on their merits, and the precedents that are set as a result. Examples of when deviations may be permitted include:
- consultancy work where there is a higher weighting on quality or technical assessment;
  - construction or demolition work (which is more regulated and quantifiable) may be weighted more toward price;
  - s106 contributions; and,
  - externally funded projects/goods/services.
63. However, deviation will not normally be permitted beyond a maximum of 80% for either cost or quality – in other words, there will be at least 20% of the assessment based on either cost or quality unless:
- The duration of the contract will not exceed 4 weeks and
  - the nature of the goods or services being provided is such that there is no ability for the suppliers/contractors to offer a difference in terms of quality (e.g. demolition) and
  - the value of the contract will not exceed £100,000.

64. Where relevant, the assessment of Health & Safety shall be included as a separately identifiable and scored component of the 'quality' element as appropriate.
65. Where tenders appear to be abnormally low, bidders must be given the opportunity to explain the price or costs proposed in their tender. The lead officer (in conjunction with Mid Kent Legal Services) must then assess the information provided by consulting the tenderer. The tender may, not must, be rejected if the evidence supplied does not satisfactorily account for the low level of price or costs proposed.
66. Where stated within the procurement documentation, submissions that fail to meet the minimum quality score (i.e. less than 50%) may be excluded whether or not other points awarded to the bidder are higher than those awarded to the successful supplier.

### Alternative Evaluation Models

67. The Standard Differential Model may not be the best model for all procurements. There are around 27 different evaluation models, some of the most well-known and commonly used are listed below. Through this new policy each procurement exercise will be determined on its merits to identify the most appropriate method for each at the early commissioning stages.
68. Use of alternative evaluation models should be approved by the relevant Director or Head of Service and the Commissioning Manager.
69. **Ratio evaluation:** The basic principle to calculate a tender's value for money is to divide, quite literally, value by money (Quality score divided by price = Quality/Price score). For example:

Tender	Quality Score	Price	Quality/Price Score
A	50	£10	5.0
B	66	£12	5.5
C	60	£15	4.0
D	75	£15	5.0

70. **Kuiper 2:** This is a variation on the Ratio Evaluation and turns the calculation around, so that you divide the price by the quality score, but in this method, the contract is awarded to the lowest score not the highest. Example:

Tender	Price	Quality Score	Quality/Price Score
A	£10	50	0.20
B	£12	66	0.18
C	£15	60	0.25
D	£15	75	0.20

71. **Telgen:** To use this method, a price range must be set, defining the maximum and minimum prices. The price calculation is then defined by subtracting the individual bid price from the maximum price and dividing that score by the score defined by subtracting the minimum price from the maximum price:

$$(\text{Max Price} - \text{Bid price}) \div (\text{Max Price} - \text{Min Price}) = \text{Weight of the price}$$

Min price	Max price	Bid price	Weight of the Price
£8	£30	£10	0.91
£8	£30	£12	0.82
£8	£30	£15	0.68

72. The Weighted Price score is then added to the Weighted Quality score to identify the winning bid.

### Insurance Levels

73. The standard levels of insurance cover that contractors / suppliers should hold are:
- Employer Liability minimum £10 million
  - Public Liability minimum £5 million
  - Professional Indemnity £2 million (if applicable)
  - Product Liability £2million (if applicable)
74. Lower levels may be accepted by the Head of Finance & Procurement in certain circumstances such as if there is no potential for financial loss to the Council.

### Safeguarding

75. All contracts over £25,000 will have a Safeguarding Level assigned, either Nil, Bronze, Silver or Gold. However, there may be additional contracts regardless of value that require a safeguarding level set. The relevant service manager will be responsible for considering this for contracts with a value of less than £25,000. Suppliers will need to meet the required standard of the assigned levels:

Safeguarding Level	Description
Nil	Contract irrelevant to safeguarding  No contact with children/young people/vulnerable adults and/or parents/carers
Bronze	Limited contact with children/young people/vulnerable adults and/or parents/carers

Silver	Regular contact with children/young people/vulnerable adults and/or parents/carers  Not direct service to vulnerable people but regular contact within delivery of services
Gold	Regular contact with children/young people/vulnerable adults and/or parents/carers or any unsupervised contact  Direct service to vulnerable people, safeguarding essential to service

76. More detailed requirements of each level can be found within [Bronze, Silver and Gold Safeguarding Requirements](#) document (contained in Annex 1).

### **Contract Management**

77. All contracts (including partnering arrangements etc) will include standard terms and conditions and performance measures based on the outcomes set out in the specification. These will clearly set out what information needs to be collected and submitted (including clear definitions), how often, in what format etc. It will be a requirement that the winning tenderer agrees to comply with all Council policies and statutory requirements, for example the Data Quality policy.
78. Each officer responsible for the management of a contract will have regular (at least quarterly is recommended) meetings with contractors as appropriate to the contract to discuss Key Performance Indicators, and how the service can be delivered more efficiently and/or effectively to secure continuous improvement.
79. Lead officers should monitor contracts to ensure that any added value (including Social Value and Climate Emergency commitments) which were proposed in the tender over and above the original specification is achieved.
80. Any contract changes must be fully documented. Material changes must be by formal contract variation in consultation with Mid Kent Legal Services and Commissioning.
81. Where there are emerging service delivery failures, an action plan will be agreed with the contractor to restore performance to that specified. The Council will be clear about the ladder of escalation up to and including contract termination, including the use of financial penalties if specified in the contract.
82. Where there are contract disputes the Council will seek to resolve them swiftly, using the methodology provided in the contracts themselves, such as mediation. If the process has to be escalated, then Mid Kent Legal Services can assist with either terminating the contract or advising on litigation strategy.



## Annex I

### Other Policies / Strategies linked to Commissioning & Procurement

- [Corporate Plan 2020 - 2023](#)
- [Local First Policy](#)
- [Corporate Equality Scheme 2016 - 2020](#)
- [Medium Term Financial Plan](#)
- [Community Asset Transfer Policy](#)
- [Service Improvement and Value for Money Strategy](#)
- [ICT Strategy](#)
- [Risk Management Framework](#)
- [Kent Environment Strategy](#)
- [Climate Change and Ecological Emergency Action Plan](#)
- [Commissioning - How to guide](#)
- [Contract Management Guidance](#)
- [Protected Disclosure Policy \(Whistleblowing\)](#)
- [Bribery Act Policy](#)
- [Swale Borough Council Constitution](#)
- [Safeguarding Policy](#)
- [Kent Partners' Compact agreement](#)
- [PPN 11/20 - Reserving Below Threshold Procurements](#)
- [Bronze, Silver and Gold Safeguarding Requirements](#)
- [National Procurement Policy Statement](#)
- [National Procurement Strategy for Local Government](#)
- [Data Quality Standard](#)